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December 19, 2007

Via CM/ECF Filing

The Honorable Sue L. Robinson
Lock Box 31
United States District Court
District of Delaware
844 King Street
Wilmington, DE 19801

RE: Quill v. Catholic Diocese of Wilmington, et al., C.A. No. 07-435 (SLR)
Default Judgment and Sanctions

Dear Judge Robinson:

I write in response to your clerk's recent inquiry about the outstanding motion for a default against defendant DeLuca. D.I. 31, 32.

At the November 14, 2007 teleconference with the Court, defendant DeLuca through his counsel agreed to appear for his immediate deposition. Transcript at 17-18.

Mr. Casarino: .. Father DeLuca is around. . . . he can be deposed fairly quickly . . .

Mr. T. Neuberger: . . . We would agree to lift the default judgment that the Clerk has entered against Father DeLuca provided we can accept his invitation that we could depose him in the near future. We would hope in December or in January that we could depose him down here . . . So Mr. Casarino and I have been – have been in touch about this, and as long as we can get his deposition, we're fine with that.

I then noticed his deposition for this Thursday and Friday, December 20-21. D.I 53. But DeLuca, through his counsel, has refused to give his deposition here in Delaware or at any later

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time. At his convenience I had offered to schedule his deposition here in January 2008 and his counsel agreed to move the December dates. However, on December 18th DeLuca's attorney advised me that DeLuca now refuses to ever appear in Delaware for his prompt deposition.

Plaintiff's counsel herein have faced this pattern in similar sexual abuse cases. In one case the defendant priest fled to South Africa to avoid his deposition. When it eventually convened, after court intervention, the priest invoked his Fifth Amendment privilege against self-incrimination over 190 times. Eventually the court ruled on that assertion of privilege and overruled all assertions related to wrongful acts in Delaware and New Jersey.

We are under a very tight discovery deadline in this case with trial scheduled in August 2008.

Defendant DeLuca should either immediately submit to his deposition in this case or we should address sanctions against him, including the pending default motion.

I request an immediate teleconference with the Court where the issue of his refusal to submit to his deposition, sanctions or a default can be addressed so that the Court can continue to control this case.

Very truly yours,

/s/ Thomas S. Neuberger

Attorney for Plaintiff

cc: Anthony G. Flynn, Esquire (Via CM/ECF)
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